

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JEFFREY D. McELROY,	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. H-10-2101
	§	
EQUIFAX CREDIT INFORMATION	§	
SERVICES, INC., <i>et al.</i> ,	§	
Defendants.	§	

MEMORANDUM AND ORDER


Plaintiff Jeffrey D. McElroy, *pro se*, filed this lawsuit alleging violations of the Fair Credit Reporting Act (“FCRA”) by Defendant CSC Credit Services, Inc. (“CSC”) and others. In the prayer for relief section, Plaintiff requests an injunction requiring “the immediate and permanent deletion of . . . inaccurate information as well as a permanent injunction barring Defendants from reporting it incorrectly in the future.” *See* Complaint [Doc. # 1], p. 11.

CSC filed a “Partial Motion to Dismiss” (“Motion”) [Doc. # 26], seeking dismissal of Plaintiff’s claim for injunctive relief. By Order [Doc. # 13] entered July 12, 2010, Plaintiff was directed to file any opposition to the Motion by August 9, 2010. Plaintiff was cautioned that failure to respond by the August 9, 2010 deadline could result in dismissal of his claim for injunctive relief. Plaintiff neither filed a response to the Motion nor requested an extension of time to do so.

Sections 1681n and 1681o of the FCRA provide potential civil liability for noncompliance, but neither section provides for injunctive relief. *See* 15 U.S.C. § 1681n, 1681o. Section 1681s grants the power to obtain injunctive relief exclusively to the Federal Trade Commission. *See* 15 U.S.C. § 1681s(a). Consequently, injunctive relief is not available to private litigants alleging violations of the FCRA, and it is hereby

ORDERED that CSC's "Partial Motion to Dismiss" [Doc. # 7] is **GRANTED** and Plaintiff's request for injunctive relief is **DISMISSED**.

SIGNED at Houston, Texas, this 11th day of **August, 2010**.



Nancy F. Atlas
United States District Judge